

FEDERAL REGISTER

THE NATIONAL ARCHIVES
OF THE UNITED STATES
1934

VOLUME 2 NUMBER 134

Washington, Wednesday, July 14, 1937

PRESIDENT OF THE UNITED STATES.

APPLICATION OF DUTIES PROCLAIMED IN CERTAIN TRADE AGREEMENTS TO ARTICLES THE GROWTH, ETC., OF CERTAIN COUNTRIES

THE WHITE HOUSE,
Washington, July 3, 1937.

The Honorable HENRY MORGENTHAU, Jr.,
Secretary of the Treasury.

MY DEAR MR. SECRETARY: The Act to amend the Tariff Act of 1930, approved June 12, 1934 (48 Stat. 943), as extended by the Joint Resolution approved March 1, 1937 (Public Resolution No. 10, 75th Congress), provides in part that the duties proclaimed under its authority shall be applied to articles the growth, produce, or manufacture of all foreign countries, whether imported directly or indirectly. The Act further provides that the President may suspend the application of the proclaimed duties to articles the growth, produce, or manufacture of any country because of its discriminatory treatment of American commerce or because of other acts or policies which in his opinion tend to defeat the purposes set forth in the Act. Pursuant to these provisions of the Act, I hereby direct that the duties proclaimed on this date in connection with the trade agreement signed on November 28, 1936, with Costa Rica, and all other duties heretofore proclaimed in connection with trade agreements signed under the authority of the Act (with the exception of the duties proclaimed in connection with the trade agreement signed on August 24, 1934, with Cuba) shall be applied from the effective date of such duties, or, as the case may be, shall continue to be applied on and from the date of this letter, only to articles the growth, produce, or manufacture of the countries hereinafter designated and to such articles, in the case of each country, respectively, for the period indicated in the numbered section below in which such country is designated.

1. In respect of the products of each country designated in this section, the proclaimed duties shall be applied from the effective date of such duties, or, as the case may be, shall continue to be applied on and from the date of this letter until thirty days from the date on which you are notified by me that the United States has ceased, or on a day certain will cease, to be bound by provisions of a treaty or agreement providing for most-favored-nation treatment in respect of customs duties.

Denmark
Italy

Portugal and its colonies and
possessions

2. In respect of the products of each country designated in this section, the proclaimed duties shall be applied so long as such duties remain in effect and this direction is not modified in respect of such country.

Afghanistan
Albania
Andorra
Anglo-Egyptian Sudan

Arabian Shaikdoms not included under any other designation in this list
Argentina

Australian mandated territories
Austria
Belgium and its colony and mandated territories
Bhutan
Bolivia
Brazil
Bulgaria
Canada
Chile
China
Colombia
Costa Rica
Cuba (subject to the provisions of the trade agreement concluded with Cuba on August 24, 1934)
Czechoslovakia
Danzig, Free City of
Dominican Republic
Ecuador
Egypt
El Salvador
Estonia
Ethiopia (Abyssinia)
Finland
France (including Algeria) and its colonies, dependencies, protectorates, and mandated territories
Great Britain and Northern Ireland, and British colonies, dependencies, protectorates, and mandated territories
Greece
Greenland
Guatemala
Haiti
Honduras
Hungary
Iceland
India
Iran (Persia)
Iraq

Irish Free State
Italian colonies and possessions
Japanese Empire and mandated territories and Kwantung Leased Territory
Latvia
Liberia
Lithuania
Luxemburg
Mexico
Monaco
Morocco
Nepal
Netherlands and its colonies
Newfoundland
New Hebrides
New Zealand and mandated territories
Nicaragua
Norway
Oman (Muscat)
Panama
Paraguay
Peru
Poland
Rumania
San Marino
Saudi Arabia
Siam
Spain and its colonies and possessions
Sweden
Switzerland and Liechtenstein
Turkey
Union of South Africa and mandated territory
Union of Soviet Socialist Republics
Uruguay
Vatican, City of the
Venezuela
Yemen
Yugoslavia

Because I find as a fact that their treatment of American commerce is discriminatory, I direct that the proclaimed duties shall not be applied to products of the following countries:

Australia, Commonwealth of
Germany

My letter addressed to you on May 1, 1937, with reference to duties proclaimed in connection with trade agreements



Published by the Division of the Federal Register, The National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. L. 500), under regulations prescribed by the Administrative Committee, with the approval of the President.

The Administrative Committee consists of the Archivist or Acting Archivist, an officer of the Department of Justice designated by the Attorney General, and the Public Printer or Acting Public Printer.

The daily issue of the FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for \$1 per month or \$10 per year; single copies 5 cents; payable in advance. Remit by money order payable to Superintendent of Documents, Government Printing Office, Washington, D. C.

Correspondence concerning the publication of the FEDERAL REGISTER should be addressed to the Director, Division of the Federal Register, The National Archives, Washington, D. C.

TABLE OF CONTENTS

Department of Labor:	Page
Immigration and Naturalization Service:	
Chinese aliens in transit, time extended.....	1449
Product of the United States:	
Application of duties proclaimed in certain trade agreements to articles the growth, etc., of certain countries.....	1447
Wupatki National Monument, Ariz., correction of proclamation enlarging.....	1448
Securities and Exchange Commission:	
Notice of and order for hearing in matter of:	
Public Service Corp. of Texas.....	1449
Order consenting to withdrawal of offering sheet, etc., by:	
Supreme Oil Inc. (Sinclair-Prairie-Peaches Tract).....	1451
Orders denying unlisted trading privileges in matter of:	
Broadway Motors Building Corp., first mortgage leasehold 6% sinking fund gold bonds due 1948 (stamped).....	1450
Prudence Bonds Corp. (N. Y. C.), first mortgage collateral bonds, fifteenth series (stamped).....	1450
Sixty-One (61) Broadway Bldg. (N. Y. C.), first mortgage 5½% sinking fund gold loan certificates due 1950 (stamped), issued by Broadway-Exchange Corp.....	1450
Order revoking registration in the matter of:	
Hamlin, Frank B.....	1450
Order terminating proceeding after amendment, offering sheet by:	
Landowners Royalties Co. (Frazer-Smith-G. Van Note Tract).....	1451
Securities Act of 1933:	
Adoption of Form C-3 for registration of American Certificates issued against foreign issues and for the underlying securities.....	1449
Treasury Department:	
Bureau of Customs:	
Customs regulations amended—Special permits for immediate delivery of articles.....	1448
Bureau of Internal Revenue:	
Distilled spirits bottled in bond.....	1448

signed under authority of the Act of June 12, 1934, is hereby superseded.

You will please cause this direction to be published in an early issue of the weekly *Treasury Decisions*.

Very sincerely yours,

[SEAL]

FRANKLIN D ROOSEVELT

[F. R. Doc. 37-2147; Filed, July 12, 1937; 4:17 p. m.]

ENLARGING THE WUPATKI NATIONAL MONUMENT—ARIZONA

Correction

The land description appearing under "T. 25 N., R. 10 E.," in Proclamation No. 2243 (F. R. Doc. 37-2134; Filed, July 12, 1937; 12:29 p. m.), printed on Page 1419 of the issue for Tuesday, July 13, 1937, should read as follows:

T. 25 N., R. 10 E.,
sec. 1, lots 1 to 4, inclusive, W½SW¼ and SE¼SW¼;
sec. 2, lots 1 to 5, inclusive, S½NW¼ and S½;
secs. 3 to 12, and 14 to 22, inclusive;
secs. 28 and 29;
sec. 30, S½;
secs. 31 and 32;

TREASURY DEPARTMENT.

Bureau of Customs.

[T. D. 49080]

CUSTOMS REGULATIONS AMENDED—SPECIAL PERMITS FOR IMMEDIATE DELIVERY OF ARTICLES

To Collectors of Customs and Others Concerned:

Pursuant to the authority contained in sections 448 (b) and 624 of the Tariff Act of 1930 (U. S. C., title 19, secs. 1448 (b) and 1624), article 349 (f) of the Customs Regulations of 1931, as amended by T. D. 48889,¹ is further amended to read as follows:

(f) If there is available sufficient information as to the quantities and values of the merchandise properly to estimate the duties, there may be filed with the application for a special permit a proper entry in regular form, accompanied by the estimated duties and supported by the regular entry bond (customs Form 7551 or 7553), in lieu of the special bond provided for in the preceding paragraph. Such an entry is not effective as such until after the merchandise covered thereby has actually arrived within the port limits and the entry has been officially accepted in accordance with article 281 (b).

[SEAL]

J. H. MOYLE,
Commissioner of Customs.

Approved: July 9, 1937.

STEPHEN B. GIBBONS,
Acting Secretary of the Treasury.

[F. R. Doc. 37-2148; Filed, July 12, 1937; 4:18 p. m.]

Bureau of Internal Revenue.

[T. D. 4747]

DISTILLED SPIRITS BOTTLED IN BOND

To Collectors of Internal Revenue, District Supervisors, and others concerned:

The following regulations are prescribed pursuant to the Act of July 9, 1937, (Public No. 198, 75th Congress) entitled, An Act to amend the stamp provisions of the Bottling in Bond Act:

(1) The provisions of Regulations No. 6, as amended, Bottling of Distilled Spirits in Bond, and the provisions of Regulations No. 23, so far as they relate to spirits bottled in bond for export, are hereby continued in force and effect;

(2) Bottled-in-bond strip stamps will be sold to persons entitled thereto at a price of one cent for each stamp, except that in the case of stamps for containers of less than one-half pint, the price shall be one-quarter of one cent for each stamp.

[SEAL]

GUY T. HELVERING,
Commissioner of Internal Revenue.

Approved: July 9, 1937.

ROSWELL MAGILL,
Acting Secretary of the Treasury.

[F. R. Doc. 37-2149; Filed, July 12, 1937; 4:18 p. m.]

¹ 2 F. R. 713 (DI).

DEPARTMENT OF LABOR.

Immigration and Naturalization Service.

[Chinese General Order No. 23.]

CHINESE ALIENS IN TRANSIT—TIME EXTENDED.

July 10, 1937.

By virtue of and pursuant to the authority conferred by Section 8 of the Act of September 13, 1888, as amended by Section 1 of the Act of April 29, 1902 (25 Stat. 478; 32 Stat. 176; U. S. C., title 8, section 278), Sections 15 and 24 of the Immigration Act of 1924 (Act of May 26, 1924, 43 Stat. 162, 166; U. S. C., title 8, sections 215, 222), and Executive Order No. 6166, dated June 10, 1933, paragraph 1 (b), Subdivision 3, Rule 19 of the Rules Governing the Admission of Chinese of October 1, 1926, as amended by Chinese General Order No. 14, dated September 28, 1929, is further amended to read as follows:

The applicant, or some responsible person in his behalf, or the transportation company, shall furnish to the said official in charge a good and sufficient bond in the penal sum of not less than \$500, conditioned for applicant's continuous transit through and actual departure from the United States within a period not exceeding 60 days from the date said privilege is granted; but the said bond shall not be required of any such applicant who remains on shipboard or who is transferred from one vessel to another vessel in a United States port for transit through the water territory of the United States, unless the vessel on which applicant departs is to touch at another port of the United States on the way to its foreign destination.

[SEAL]

EDW. J. SHAUGHNESSY,
Acting Commissioner of Immigration
and Naturalization.

Approved:

FRANCIS PERKINS,
Secretary.

[F. R. Doc. 37-2146; Filed, July 12, 1937; 2:54 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

SECURITIES ACT OF 1933

ADOPTION OF FORM C-3

The Securities and Exchange Commission today announced the adoption of a new form, designated "Form C-3", for registration under the Securities Act of 1933 of American Certificates (for example, so-called American Depositary Receipts for foreign shares or American participation certificates in foreign bonds or notes) issued against securities of foreign issuers deposited or to be deposited with an American depository (whether physically held by such depository in America or abroad) and of the foreign securities so deposited.

The form is divided into two parts: Part I, concerning the American Certificates, the depositories, the depository, and the deposit agreement; Part II, the issuer of the underlying securities. Part II need be filed only if the sale of the underlying securities, if made directly rather than through the means of American Certificates, would require registration of such securities. It need not be filed, however, if a registration statement for the underlying securities is in effect at or before the effective date of the registration statement on Form C-3.

RULE ADOPTING FORM C-3

The Securities and Exchange Commission, acting pursuant to authority conferred upon it by the Securities Act of 1933, as amended, and finding:

(1) That any information or document specified in Schedule A of the Act which Form C-3 for American Certificates against Foreign Issues and for the underlying securities, and the Instruction Book for such form, do not require to be set forth are inapplicable to the class of securities to which such form is appropriate, and disclosure fully adequate for the protection of investors is otherwise required to be included in the registration statement, and that such information and documents as Form

C-3 and the Instruction Book for such form require to be set forth, but which are not specified in said Schedule A, are necessary and appropriate in the public interest and for the protection of investors; and

(2) That the information which the rules contained in the Instruction Book for Form C-3 require to be contained in prospectuses or the class of securities and issuers to which such form is appropriate is necessary and appropriate in the public interest and for the protection of investors, and that the statements made in registration statements which are permitted to be omitted from prospectuses for such class of securities and issuers are not necessary or appropriate in the public interest or for the protection of investors; and that the form and contents which such rules prescribe for prospectuses of the class specified are appropriate to the nature and circumstances of their use and are consistent with the public interest and the protection of investors.

hereby adopts form C-3 and the Instruction Book for such form, to be used for registration under the Securities Act of 1933 of securities of the class and issued by the class of issuers specified in the rule for the use of said Form C-3.

The foregoing action shall be effective immediately upon publication.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 37-2151; Filed, July 13, 1937; 12:31 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 13th day of July, A. D. 1937.

[File No. 47-15]

IN THE MATTER OF PUBLIC SERVICE CORPORATION OF TEXAS

[Public Utility Holding Company Act of 1935—Sections 10 (a) (2) and 10 (a) (3)]

NOTICE OF AND ORDER FOR HEARING

An application having been duly filed with this Commission, by Public Service Corporation of Texas, a registered holding company, pursuant to Sections 10 (a) (2) and 10 (a) (3) of the Public Utility Holding Company Act of 1935, for approval of its acquisition of the assets and properties (including about thirty-five miles of gas transmission line and a gas distribution system in the town of Mobeetie, Texas) of Mobeetie Gas Company, all of the issued and outstanding capital stock of which is owned by applicant, the consideration to be the assumption by applicant of said vendor's liabilities.

It is ordered that a hearing on such matter be held on July 30, 1937, at 10 o'clock in the forenoon of that day at Room 209, Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C.; and

NOTICE OF SUCH HEARING IS HEREBY GIVEN to said party and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before July 26, 1937.

It is further ordered that Charles S. Moore, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence,

¹ Filed with Division of the Federal Register. The National Archives; copies available upon application to Securities and Exchange Commission.

and require the production of any books, papers correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 37-2150; Filed, July 13, 1937; 12:31 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 6th day of July, 1937.

IN THE MATTER OF BROADWAY MOTORS BUILDING CORP., FIRST MORTGAGE LEASEHOLD 6% SINKING FUND GOLD BONDS DUE 1948 (STAMPED)

ORDER DENYING UNLISTED TRADING PRIVILEGES PURSUANT TO SECTION 12 (F) OF THE SECURITIES EXCHANGE ACT OF 1934, AS AMENDED, AND RULE JF2 (B)

The New York Real Estate Securities Exchange, Inc., having made application for unlisted trading privileges in Broadway Motors Building Corp., First Mortgage Leasehold 6% Sinking Fund Gold Bonds due 1948 (Stamped), pursuant to Section 12 (f) of the Securities Exchange Act of 1934, as amended, and

It appearing to the Commission that, within the meaning of Rule JF2 (b), said security is not substantially equivalent to the Broadway Motors Building Corporation 6% First Mortgage Leasehold Sinking Fund Gold Bonds due 1948, a security admitted to unlisted trading privileges on said Exchange.

It is ordered, that said application for unlisted trading privileges in Broadway Motors Building Corporation, First Mortgage Leasehold 6% Sinking Fund Gold Bonds due 1948 (Stamped), on the New York Real Estate Securities Exchange, Inc. be and the same is hereby denied.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 37-2155; Filed, July 13, 1937; 12:32 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 6th day of July, 1937.

IN THE MATTER OF PRUDENCE BONDS CORP. (N. Y. C.) FIRST MORTGAGE COLLATERAL BONDS, FIFTEENTH SERIES (STAMPED)

ORDER DENYING UNLISTED TRADING PRIVILEGES PURSUANT TO SECTION 12 (F) OF THE SECURITIES EXCHANGE ACT OF 1934, AS AMENDED, AND RULE JF2 (B)

The New York Real Estate Securities Exchange, Inc. having made application for unlisted trading privileges in Prudence Bonds Corporation (N. Y. C.), First Mortgage Collateral Bonds, Fifteenth Series (Stamped), pursuant to Section 12 (f) of the Securities Exchange Act of 1934, as amended, and

It appearing to the Commission that, within the meaning of Rule JF2 (b), said security is not substantially equivalent to the Prudence Bonds Corporation (N. Y. C.) First Mortgage Collateral Bonds, Fifteenth Series, a security admitted to unlisted trading privileges on said Exchange,

It is ordered, that said application for unlisted trading privileges in Prudence Bonds Corporation (N. Y. C.), First Mortgage Collateral Bonds, Fifteenth Series (Stamped), on

the New York Real Estate Securities Exchange, Inc. be and the same is hereby denied.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 37-2154; Filed, July 13, 1937; 12:32 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 6th day of July, 1937.

IN THE MATTER OF 61 BROADWAY BLDG. (N. Y. C.), FIRST MORTGAGE 5½% SINKING FUND GOLD LOAN CERTIFICATES DUE 1950 (STAMPED), ISSUED BY BROADWAY-EXCHANGE CORP.

ORDER DENYING UNLISTED TRADING PRIVILEGES PURSUANT TO SECTION 12 (F) OF THE SECURITIES EXCHANGE ACT OF 1934, AS AMENDED, AND RULE JF2 (B)

The New York Real Estate Securities Exchange, Inc. having made application for unlisted trading privileges in 61 Broadway Building (N. Y. C.), First Mortgage 5½% Sinking Fund Gold Loan Certificates due 1950 (Stamped), issued by Broadway-Exchange Corporation, pursuant to Section 12 (f) of the Securities Exchange Act of 1934, as amended, and

It appearing to the Commission that, within the meaning of Rule JF2 (b), said security is not substantially equivalent to the 61 Broadway Building (N. Y. C.), First Mortgage 5½% Sinking Fund Gold Loan Certificates due 1950, issued by Broadway-Exchange Corporation, a security admitted to unlisted trading privileges on said Exchange.

It is ordered, that said application for unlisted trading privileges in 61 Broadway Building (N. Y. C.), First Mortgage 5½% Sinking Fund Gold Loan Certificates due 1950 (Stamped), issued by Broadway-Exchange Corporation, on the New York Real Estate Securities Exchange, Inc. be and the same is hereby denied.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 37-2153; Filed, July 13, 1937; 12:32 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 10th day of July, 1937.

IN THE MATTER OF FRANK B. HAMLIN, 580 FIFTH AVENUE, NEW YORK, NEW YORK

ORDER REVOKING REGISTRATION PURSUANT TO SECTION 15 (B) OF THE SECURITIES EXCHANGE ACT OF 1934, AS AMENDED

The registration of Frank B. Hamlin as a dealer on over-the-counter markets having come on for hearing before the Commission upon the question of revocation or suspension pursuant to Section 15 (b) of the Securities Exchange Act of 1934, as amended, and the Commission having entered its findings of fact in the matter, and being of the opinion that it is necessary and appropriate in the public interest and for the protection of investors to revoke the said registration;

It is ordered, pursuant to Section 15 (b) of the Securities Exchange Act of 1934, as amended, that the registration of Frank B. Hamlin as dealer transacting business on over-the-counter markets, be and the same is hereby revoked.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 37-2152; Filed, July 13, 1937; 12:32 p. m.]

*United States of America—Before the Securities
and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 12th day of July, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF PRODUCING LAND-OWNERS' ROYALTY INTERESTS IN THE SINCLAIR-RAIRIE-PEACHES TRACT, FILED ON JUNE 16, 1937, BY SUPREME OIL INC., RESPONDENT

ORDER CONSENTING TO WITHDRAWAL OF OFFERING SHEET AND
TERMINATING PROCEEDING

The Securities and Exchange Commission, having received from respondent an application for an order consenting to withdrawal of the offering sheet described in the title hereof, and respondent having represented to the Commission in writing that none of the securities described in said offering sheet have been sold, and it appearing in view of such representation that withdrawal of said offering sheet is not inconsistent with the public interest,

It is ordered that consent of the Commission to withdrawal of such offering sheet be, and hereby is, granted, but the Commission does not consent to removal of said offering sheet or any papers relating thereto from the files of the Commission, and

It is further ordered that the Temporary Suspension Order heretofore entered¹ in this proceeding be, and hereby is, revoked, and said proceeding terminated.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 37-2157; Filed, July 13, 1937; 12:33 p. m.]

*United States of America—Before the Securities
and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 12th day of July, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE FRAZIER-SMITH-G. VAN NOTE TRACT, FILED ON JUNE 7, 1937, BY LANDOWNERS ROYALTIES COMPANY, RESPONDENT

ORDER TERMINATING PROCEEDING AFTER AMENDMENT

The Securities and Exchange Commission, finding that the offering sheet described in the title hereof has been amended to cure the objections specified in the Temporary Suspension Order previously entered¹ in this proceeding:

It is ordered, pursuant to Rule 354 (c) of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, that the amendment received at the office of the Commission on July 6, 1937, be effective as of July 6, 1937.

It is further ordered that the Temporary Suspension Order heretofore entered in this proceeding be, and hereby is, revoked, and said proceeding is terminated as of the effective date of said amendment.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 37-2156; Filed, July 13, 1937; 12:33 p. m.]

FEDERAL REGISTER ACT

[PUBLIC—No. 220—74TH CONGRESS; 49 STAT. 500-503]

AN ACT To provide for the custody of Federal proclamations, orders, regulations, notices, and other documents, and for the prompt and uniform printing and distribution thereof.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Archivist of the United States, acting through a division established by him in the National Archives Estab-

lishment, hereinafter referred to as the "Division", is charged with the custody and, together with the Public Printer, with the prompt and uniform printing and distribution of the documents required or authorized to be published under section 5. There shall be at the head of the Division a director, appointed by the President, who shall act under the general direction of the Archivist of the United States in carrying out the provisions of this Act and the regulations prescribed hereunder, who shall receive a salary, to be fixed by the President, not to exceed \$5,000 a year.

SEC. 2. The original and two duplicate originals or certified copies of any document required or authorized to be published under section 5 shall be filed with the Division, which shall be open for that purpose during all hours of the working days when the Archives Building shall be open for official business. The Director of the Division shall cause to be noted on the original and duplicate originals or certified copies of each document the day and hour of filing thereof: *Provided*, That when the original is issued, prescribed, or promulgated outside of the District of Columbia and certified copies are filed before the filing of the original, the notation shall be of the day and hour of filing of the certified copies. Upon such filing, at least one copy shall be immediately available for public inspection in the office of the Director of the Division. The original shall be retained in the archives of the National Archives Establishment and shall be available for inspection under regulations to be prescribed by the Archivist. The Division shall transmit immediately to the Government Printing Office for printing, as provided in this Act, one duplicate original or certified copy of each document required or authorized to be published under section 5. Every Federal agency shall cause to be transmitted for filing as herein required the original and the duplicate originals or certified copies of all such documents issued, prescribed, or promulgated by the agency.

SEC. 3. All documents required or authorized to be published under section 5 shall be printed and distributed forthwith by the Government Printing Office in a serial publication designated the "Federal Register." It shall be the duty of the Public Printer to make available the facilities of the Government Printing Office for the prompt printing and distribution of the Federal Register in the manner and at the times required in accordance with the provisions of this Act and the regulations prescribed hereunder. The contents of the daily issues shall be indexed and shall comprise all documents, required or authorized to be published, filed with the Division up to such time of the day immediately preceding the day of distribution as shall be fixed by regulations hereunder. There shall be printed with each document a copy of the notation, required to be made under section 2, of the day and hour when, upon filing with the Division, such document was made available for public inspection. Distribution shall be made by delivery or by deposit at a post office at such time in the morning of the day of distribution as shall be fixed by such regulations prescribed hereunder. The prices to be charged for the Federal Register may be fixed by the administrative committee established by section 6 without reference to the restrictions placed upon and fixed for the sale of Government publications by section 1 of the Act of May 11, 1922, and section 307 of the Act of June 30, 1932 (U. S. C., title 44, secs. 72 and 72a), and any amendments thereto.

SEC. 4. As used in this Act, unless the context otherwise requires, the term "document" means any Presidential proclamation or Executive order and any order, regulation, rule, certificate, code of fair competition, license, notice, or similar instrument issued, prescribed, or promulgated by a Federal agency; the terms "Federal agency" or "agency" mean the President of the United States, or any executive department, independent board, establishment, bureau, agency, institution, commission, or separate office of the administrative branch of the Government of the United States but not the legislative or judicial branches of the Government; and the term "person" means any individual, partnership, association, or corporation.

¹ 2 F. R. 1309 (DI).

² 2 F. R. 1236 (DI).

SEC. 5. (a) There shall be published in the Federal Register (1) all Presidential proclamations and Executive orders, except such as have no general applicability and legal effect or are effective only against Federal agencies or persons in their capacity as officers, agents, or employees thereof; (2) such documents or classes of documents as the President shall determine from time to time have general applicability and legal effect; and (3) such documents or classes of documents as may be required so to be published by Act of the Congress; *Provided That* for the purposes of this Act every document or order which shall prescribe a penalty shall be deemed to have general applicability and legal effect.

(b) In addition to the foregoing there shall also be published in the Federal Register such other documents or classes of documents as may be authorized to be published pursuant hereto by regulations prescribed hereunder with the approval of the President, but in no case shall comments or news items of any character whatsoever be authorized to be published in the Federal Register.

SEC. 6. There is established a permanent Administrative Committee of three members consisting of the Archivist or Acting Archivist, who shall be chairman, an officer of the Department of Justice designated by the Attorney General, and the Public Printer or Acting Public Printer. The Director of the Division shall act as secretary of the committee. The committee shall prescribe, with the approval of the President, regulations for carrying out the provisions of this Act. Such regulations shall provide, among other things: (a) The manner of certification of copies required to be certified under section 2, which certification may be permitted to be based upon confirmed communications from outside of the District of Columbia; (b) the documents which shall be authorized pursuant to section 5 (b) to be published in the Federal Register; (c) the manner and form in which the Federal Register shall be printed, reprinted, compiled, indexed, bound, and distributed; (d) the number of copies of the Federal Register which shall be printed, reprinted, and compiled, the number which shall be distributed without charge to Members of Congress, officers and employees of the United States, or any Federal agency for their official use, and the number which shall be available for distribution to the public; and (e) the prices to be charged for individual copies of, and subscriptions to, the Federal Register and reprints and bound volumes thereof.

SEC. 7. No document required under section 5 (a) to be published in the Federal Register shall be valid as against any person who has not had actual knowledge thereof until the duplicate originals or certified copies of the document shall have been filed with the Division and a copy made available for public inspection as provided in section 2; and, unless otherwise specifically provided by statute, such filing of any document, required or authorized to be published under section 5, shall, except in cases where notice by publication is insufficient in law, be sufficient to give notice of the contents of such document to any person subject thereto or affected thereby. The publication in the Federal Register of any document shall create a rebuttable presumption (a) that it was duly issued, prescribed, or promulgated; (b) that it was duly filed with the Division and made available for public inspection at the day and hour stated in the printed notation; (c) that the copy contained in the Federal Register is a true copy of the original; and, (d) that all requirements of this Act and the regulations prescribed hereunder relative to such document have been complied with. The contents of the Federal Register shall be judicially noticed and, without prejudice to any other mode of citation, may be cited by volume and page number.

SEC. 8. Whenever notice of hearing or of opportunity to be heard is required or authorized to be given by or under an Act of the Congress, or may otherwise properly be given, the notice shall be deemed to have been duly given to all persons residing within the continental United States (not including

Alaska), except in cases where notice by publication is insufficient in law, if said notice shall be published in the Federal Register at such time that the period between the publication and the date fixed in such notice for the hearing or for the termination of the opportunity to be heard shall be (a) not less than the time specifically prescribed for the publication of the notice by the appropriate Act of Congress; or (b) not less than fifteen days when no time for publication is specifically prescribed by the Act, without prejudice, however, to the effectiveness of any notice of less than fifteen days where such shorter period is reasonable.

SEC. 9. Every payment made for the Federal Register shall be covered into the Treasury as a miscellaneous receipt. The cost of printing, reprinting, wrapping, binding, and distributing the Federal Register and any other expenses incurred by the Government Printing Office in carrying out the duties placed upon it by this Act shall be borne by the appropriations to the Government Printing Office and such appropriations are hereby made available, and are authorized to be increased by such additional sums as are necessary for such purposes, such increases to be based upon estimates submitted by the Public Printer. The purposes for which appropriations are available and are authorized to be made under section 10 of the Act entitled "An Act to establish a National Archives of the United States Government, and for other purposes" (48 Stat. 1122) are enlarged to cover the additional duties placed upon the National Archives Establishment by the provisions of this Act. Copies of the Federal Register mailed by the Government shall be entitled to the free use of the United States mails in the same manner as the official mail of the executive departments of the Government. The cost of mailing the Federal Register to officers and employees of Federal agencies in foreign countries shall be borne by the respective agencies.

SEC. 10. The provisions of section 2 shall become effective sixty days after the date of approval of this Act and the publication of the Federal Register shall begin within three business days thereafter: *Provided*, That the appropriations involved have been increased as required by section 9 of this Act. The limitations upon the effectiveness of documents required, under section 5 (a), to be published in the Federal Register shall not be operative as to any document issued, prescribed, or promulgated prior to the date when such document is first required by this or subsequent Act of the Congress or by Executive order to be published in the Federal Register.

SEC. 11. Within six months after the approval of this Act each agency shall prepare and file with the committee a complete compilation of all documents which have been issued or promulgated prior to the date documents are required or authorized by this Act to be published in the Federal Register and which are still in force and effect and relied upon by the agency as authority for, or invoked or used by it in the discharge of, any of its functions or activities. The committee shall within sixty days thereafter report with respect thereto to the President, who shall determine which of such documents have general applicability and legal effect, and shall authorize the publication thereof in a special or supplemental edition or issue of the Federal Register. Such special or supplemental editions or issues shall be distributed in the same manner as regular editions or issues, and shall be included in the bound volumes of the Federal Register as supplements thereto.

SEC. 12. Nothing in this Act shall be construed to apply to treaties, conventions, protocols, and other international agreements, or proclamations thereof by the President.

SEC. 13. All Acts or parts of Acts in conflict with this Act are hereby repealed insofar as they conflict herewith.

SEC. 14. This Act may be cited as the "Federal Register Act."

Approved, July 26, 1935.